THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12926 of 2006

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the proceedings No.85/2006 (B1/2824/06) dated 20.6.2006 of the second respondent is arbitrary, illegal and violative of principles of natural justice.

It appears, the petitioner is the fair price shop dealer of Shop No.569 of Zee Bagh, Asif Nagar, Hyderabad. While so, his authorisation was suspended by the second respondent vide impugned proceedings dated 20.6.2006. Aggrieved by the same, the present writ petition is filed.

This Court, while admitting the writ petition on 26.6.2006, and having found that prima facie the allegations made against the petitioner are general and trivial in nature, granted interim suspension of the impugned proceedings.

Now a counter and vacate stay petition is filed by the respondents. Even in the counter, nothing specific has been alleged against the petitioner, except stating that in the year 2005, the Assistant Supply Officer, Circle No.V has booked a case against the petitioner under Section 6A of the Essential Commodities Act for diversion of 16 quintals of PDS Wheat meant for the cardholders into open market. The authorisation of the petitioner was suspended vide proceedings dated 25.2.2006 and after finalisation of proceedings under Section 6A, orders were issued vide Case No.C1/155/2005 dated 26.12.2005 confiscating the entire seized stocks in favour of Government. Further, on account of departmental case, an amount of Rs.2,000/- was forfeited from the security deposit of the dealer along with the recovery of 50% of the cost of essential commodities that were found short in stocks position i.e. an amount of Rs.6,065-75 ps. for the

irregularities committed by him. After remitting the amount, the authorisation was restored on 25.2.2006. According to the respondents, even after imposing fine and giving warning, the dealer failed to adhere to the instructions and contravened the provisions the Control Order, 2001.

Insofar as the charges made in the present suspension order are concerned, I am of the opinion that they are general and vague in nature, therefore, the impugned order is liable to be set aside.

In the result, the writ petition is allowed and the impugned suspension order dated 20.6.2006 is set aside. However, this will not preclude the authorities from finalizing the proceedings initiated under the impugned proceedings and passing appropriate orders as per law. No order as to costs.

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C.V.RAMULU,
J

Date: 6.11.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12926 of 2006

6.11.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12926 of 2006

Date: 6th November, 2006

Between:

L.Anandam

.. Petitioner

And

The Commissioner of Civil Supplies,

Civil Supplies Bhavan, Eramanzil,
Hyderabad & another.

.. Respondents